

STATE OF MINNESOTA  
COURT OF APPEALS  
A19-0665

**FILED**

September 11, 2019

OFFICE OF  
APPELLATE COURTS

---

Michelle MacDonald & MacDonald Law  
Firm, LLC,

Appellants,

vs.

Michael Brodkorb & Missing In  
Minnesota, LLC

Respondents.

---

**RESPONDENTS’  
MEMORANDUM OF LAW IN  
SUPPORT OF MOTION TO  
STRIKE**

**INTRODUCTION**

Respondents bring this motion to strike from Appellants’ Addendum pages A.58 (which is identified in the Index to Addendum as “Tweet lie, DUI Conviction, February 16, 2016”) and A.60 (identified as “Letter Dakota County regarding Clerical Error”). Neither of these documents are identified as having been filed in court, and neither is in fact part of the record before this court on appeal.

**ARGUMENT**

The record on appeal consists of papers filed in the trial court, exhibits and transcripts of proceedings. Minn. R. Civ. App. P., 110.01. Because the documents at page A.58 and A60 of the Addendum are wholly outside of the record, and cannot be considered by the Court on this appeal, Respondent’s motion to strike should be granted.

*McKee v. Cub Foods, Inc.*, 380 N.W.2d 233, (Minn. App. 1986); *Plowman v. Copeland Buhl & Co., Ltd.*, 261 N.W.2d 581, 583 (Minn. 1977).

### **CONCLUSION**

Respondents respectfully request that their motion to strike be granted, and that page A.58 of Appellant's Addendum be stricken from the record on this appeal.

Respectfully submitted,

Dated: 9/11/2019

/s/ Nathan M. Hansen  
Nathan M. Hansen #328017  
2440 North Charles Street  
Suite 242  
North St. Paul, MN 55109  
651-704-9600  
651-704-9604 (fax)  
*Attorney for Respondents*